

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

THOMAS LEINENWEBER, as Independent)	
Administrator of the ESTATE OF JAE)	
HARRELL, deceased,)	
Plaintiff,)	Case No. 08 CV 3124
v.)	
)	Judge Blanche M. Manning
DUPAGE COUNTY, DUPAGE COUNTY)	
JAIL, DUPAGE COUNTY SHERIFF'S)	Magistrate Judge Jeffrey Cole
OFFICE, and JOHN E. ZARUBA,)	
)	
Defendants.)	

NOTICE OF MOTION

TO: Howard M. Zavelli & James A. Slowikowski, DICKLER, KAHN,
SLOWIKOWSKI & ZAVELL, LTD., 85 West Algonquin Road, Suite 420,
Arlington Heights, Illinois 60005

YOU ARE HEREBY notified that on the 14th day of August, 2008, at 11:00 a.m., or as soon thereafter as counsel may be heard, I shall appear before the Honorable Blanche M. Manning in Courtroom No.2125, or any other judge as may be holding court in her absence, in the courtroom usually occupied by her in the U.S. District Court, Northern District of Illinois, Eastern Division, 219 S. Dearborn Street, Chicago, Illinois, and then and there present DEFENDANTS' MOTION TO DISMISS 'COMPLAINT' PURSUANT TO RULE 12(b)(6) OF THE FEDERAL RULES OF CIVIL PROCEDURE at which time and place you may appear as you see fit to do.

JOSEPH E. BIRKETT

DuPage County State's Attorney

By: William R. Roberts

Attorney No.6275784

503 N. County Farm Road

Wheaton, Illinois 60187

(630)407-8200

By: s/William R. Roberts

William R. Roberts

Assistant State's Attorney

CERTIFICATE OF SERVICE

The undersigned being first duly sworn upon oath states that:

On the 31st day of July, 2008, I served a copy the above NOTICE OF MOTION of the DEFENDANTS' MOTION TO DISMISS 'COMPLAINT' PURSUANT TO RULE 12(b) (6) OF THE FEDERAL RULES OF CIVIL PROCEDURE, according to Fed.R.Civ.P. 5(a), by e-filing a copy to each of the above-referenced individuals.

s/William R. Roberts

Assistant State's Attorney